

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	*	CRIMINAL NO. 09-101
v.	*	SECTION: B (5)
DEFINEY L. BROOKS	*	VIOLATION: 18 U.S.C. §1341
	* * *	

FACTUAL BASIS

Should this matter have gone to trial, the Government would have proved beyond a reasonable doubt, through the introduction of competent testimony and admissible tangible exhibits including the testimony of special agents of the United States Postal Inspection Service, employees of the American Red Cross (“Red Cross”) and others, the following facts to support the allegations charged by the United States Attorney in the Bill of Information now pending against the defendant, **DEFINEY L. BROOKS**.

An employee of the Red Cross would testify that in the weeks and months after Hurricane Katrina, which struck southeastern Louisiana on August 29, 2005, the Red Cross maintained disaster recovery centers to assist victims of Hurricane Katrina. Through these recovery assistance efforts, the Red Cross provided financial assistance to residents displaced or otherwise affected by Hurricane Katrina. People affected by the storms were able to apply for a one-time only financial grant of up

to \$1,565 from the Red Cross. In order to receive these funds, applicants needed to present identification to a Red Cross representative that indicated residence in an affected zone. Applicants were also required to swear and attest that they had not received any undisclosed additional American Red Cross financial assistance at any other Red Cross assistance location.

Competent testimony would be introduced that once approved, the Red Cross made these disaster assistance funds available in one of four ways: (1) A personal check made payable to the applicant, issued on-site, and cashed with the assistance of the Red Cross; (2) A Red Cross-issued Discover or Capital One card, issued on-site; (3) A Red Cross-issued Client Assistance Card, issued on-site, and purchased by the Red Cross from private banking institutions; (4) A personal check authorized by the Red Cross, issued by Paychex, Inc, and mailed to the individual.

An employee from Paychex, Inc., a Rochester, NY-based company that had volunteered its services to the Red Cross, would testify that the company processed and issued personal checks to applicants as deemed appropriate and authorized by the Red Cross. These checks were mailed to applicants via the United States Postal Service.

Testimony by an employee of the Red Cross and admissible exhibits would be introduced to prove that the defendant, **DEFINEY L. BROOKS**, presented herself to Red Cross assistance centers on seven (7) occasions between on or about September 21, 2005 and on or about October 26, 2005. On at least six visits, she applied for financial assistance and indicated that she had not received any other financial assistance from the Red Cross.

As a result of her actions on these applications, **DEFINEY L. BROOKS** received direct financial assistance from the Red Cross totaling \$10,355, of which, \$8,790 was obtained by fraud. Competent testimony and admissible exhibits would be introduced to prove that one of the occasions

that **DEFINEY L. BROOKS** applied for assistance was on or about October 4, 2005, when the defendant applied for and received a personal check authorized by the Red Cross, issued by Paychex, and sent to the defendant's address in the Eastern District of Louisiana via United States Mail.

Further testimony by employees of the Red Cross would be introduced to prove that the defendant was required to attest and affirm that she had not received any other financial assistance at any other Red Cross assistance center. Exhibits, including the defendant's application from October 4, 2005, would be introduced to show that the defendant specifically attested and swore that she had not received any other financial assistance from the Red Cross, when she had, in fact, received such assistance on several occasions prior to October 4, 2005.

Testimony and exhibits would be presented to show that this check was mailed on October 12, 2005 as a result of the defendant's application at a Red Cross assistance center. An employee of Paychex would be called to testify as to the procedures and means by which the check, in the amount of \$1,565.00, came to be sent to Definey Brooks' address of P.O. Box 887, Gramercy, Louisiana. Through this witness, certain documents and exhibits would be offered and introduced into evidence to prove that the defendant's fraudulent application and actions directly led to the mailing of the check.

READ AND APPROVED:

PROVINO MOSCA 4/29/09
Counsel for Definey L. Brooks

SHARAN E. LIEBERMAN 4/29/09
Assistant U.S. Attorney

DEFINEY L. BROOKS 4/29/09
Defendant